

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION

DAVID DUVALL, )  
Plaintiff, )  
v. ) Civil Action No. 3:19-cv-624-DSC  
NOVANT HEALTH, INC., )  
Defendant. )  
\_\_\_\_\_  
)

**EXHIBIT A**

**TO**

**MEMORANDUM OF DEFENDANT NOVANT HEALTH, INC. IN OPPOSITION TO  
PLAINTIFF'S REQUEST FOR BACK PAY AND FRONT PAY**

Relevant Excerpts from Deposition of David Duvall

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DAVID DUVALL, )  
                        )  
                        )  
PLAINTIFF,         ) C.A. No.  
                        )  
                        ) 3:19-cv-00624-DSC  
v.                     )  
                        )  
NOVANT HEALTH, INC., )  
                        )  
DEFENDANT.             )

VIDEOTAPED DEPOSITION OF DAVID DUVALL  
(TAKEN by DEFENDANT)  
CHARLOTTE, NORTH CAROLINA  
JUNE 26, 2020

ALSO PRESENT: Mindy Staley, Esq.  
VIDEOGRAPHER: Andrew Smith  
REPORTED BY: Meredith R. Schramek  
Registered Professional Reporter  
Notary Public

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1           A     I get a lot of invitations to speak, to  
2 coauthor articles, to attend conferences.

3           Q     Okay. Now, are there additional messages  
4 between you and Terri Cardwell on your LinkedIn  
5 messaging?

6           A     No.

7           Q     Did you respond to Ms. Cardwell's final  
8 message on December 10th?

9           A     I don't believe I did.

10          Q     Do you know one way or another sitting here  
11 today under oath?

12          A     I don't believe I did. I believe that string  
13 ended there.

14          Q     To your knowledge, have you messaged with  
15 anyone else through the LinkedIn platform relating to  
16 your employment with Novant Health or your termination  
17 from Novant Health or this lawsuit?

18          A     No.

19          Q     You have not done so, or you don't know?

20          A     I have not done so on the LinkedIn platform,  
21 no.

22          Q     On the LinkedIn platform, did you message  
23 people regarding potential opportunities for  
24 replacement employment either after your termination  
25 from Novant or after your termination from Henry Ford?

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1           A     I've responded to people who have reached out  
2     to me regarding employment opportunities on the  
3     LinkedIn platform.

4           Q     Can you provide those messages?

5           A     They have been.

6           MR. LARGESS: We'll talk. I'm not sure what  
7     you're referring to. When you say, "I have them," I  
8     don't know --

9           THE WITNESS: I said, "They have been."

10          MR. LARGESS: "They have been." I thought  
11     you said --

12          THE WITNESS: Any activity that's --

13          MR. LARGESS: We'll clear that up. I thought  
14     you said that I have them. I didn't know what you're  
15     talking about. We'll clear it up.

16          BY MR. HOLLAND:

17          Q     Since apparently it has not been done, on  
18     this point, I want to address a couple things. One,  
19     let me formally state, which is self-evident, when any  
20     lawsuit is filed or threatened, please do not delete  
21     any additional communications, electronics or  
22     otherwise, relating to this lawsuit, your employment  
23     with Novant Health, your termination from Novant  
24     Health, any articles that can be written, any articles  
25     relating to Henry Ford, any communications relating to

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1 want to talk about your efforts to find employment  
2 following your termination from Novant. When did you  
3 first start applying for positions following your  
4 termination from Novant?

5 A I technically didn't apply. These are all  
6 through national search firms that had contacted me.  
7 They all started really in -- they all started coming  
8 in September-ish of 2018, and they successively came in  
9 all the way through the first quarter of 2019.

10 Q And I see some interviews here like the Johns  
11 Hopkins that we already talked about, that you  
12 interviewed but you didn't get it; correct?

13 A Yes.

14 Q I see a reference here to M Health Fairview.

15 A Yes.

16 Q And that's the University of Minnesota  
17 Medical Center?

18 A Yes.

19 Q And it appears that you were offered that  
20 position -- or you withdrew from consideration of that  
21 position; is that correct?

22 A Yes.

23 Q Why is that?

24 A Former CEO and someone that I had gotten to  
25 know through the Health Management Academy Association

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1 reported to the CEO; and, two, it included experience.

2 Q Patient experience?

3 A Yes. For the whole system.

4 Q How big is the Henry Ford Heath System?

5 A About 7 billion in revenue. Novant Health  
6 was about 5.

7 Q Okay. Also when you took the job with Henry  
8 Ford, you also negotiated a 150,000 relocation award  
9 and a \$100,000 signing bonus; correct?

10 A Yes.

11 Q Ultimately you were terminated from Henry  
12 Ford?

13 A Yes.

14 Q Can you tell me about that? What do you know  
15 about it I guess?

16 A On, I guess, December 31st, we were still on  
17 a break. My administrative assistant just said, "Hey,  
18 heads up. There's a meeting that popped on your  
19 calendar with Wright on January 6th at the end of the  
20 day for 30 minutes." And it was a little out of the  
21 ordinary because normally I meet with him for  
22 90 minutes at a minimum.

23 And I walked into his office. And he and  
24 Nina Ramsey were there. And he said, "Sit down." And  
25 he said, "There's no one single reason, but we're going

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1 to exit you from the organization. We don't think this  
2 is the right environment."

3 And I said but I'm confused because, by all  
4 their accounts, I was crushing it. I mean, we had  
5 accomplished in ten months what would have took two  
6 years to almost do at Novant Health. And I said, "You  
7 know, it seems like a but-for situation. But for the  
8 lawsuit, we wouldn't even be having this conversation."

9 He said, "No, no, no. I don't care about the  
10 lawsuit." He said it's just not the right environment.

11 Q And that was it?

12 A Pretty much.

13 Q Okay. In discovery, your lawyer produced a  
14 letter -- and, again, this is all subject to a  
15 protective order -- that your previous counsel two  
16 lawyers ago, Mr. Sam Morgan, sent to Henry Ford Health  
17 System. In the conversation with Mr. Lassiter -- and  
18 that's Wright Lassiter; correct?

19 A Right.

20 Q And that's the CEO of Henry Ford?

21 A Yeah.

22 Q There's a reference to him telling you during  
23 that meeting in which you found out about your  
24 termination of salacious allegations. What did you  
25 take that to mean?

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1 A Yes.

2 Q -- at the time?

3 A Sam Morgan.

4 Q Are all the factual representations in  
5 Exhibit 25 true and accurate?

6 A Yes.

7 Q Okay. So there are some additional details  
8 about the conversation with Mr. Lassiter such as  
9 Mr. Lassiter told you that your lawsuit caused him to  
10 question your commitment to Henry Ford?

11 A Yes.

12 Q Did he expand on what he meant by that?

13 A He did not.

14 Q Okay. And he specifically referenced the  
15 request for reinstatement; correct?

16 A That was what created a substantial doubt in  
17 junior people's minds. What I was told is that many  
18 members of my team believed that I was -- I had a  
19 strong desire to return to Novant Health if they'd  
20 reinstate me. And obviously, he said, "I know that but  
21 they don't." And that created a huge sort of problem  
22 for him, that they felt like my loyalty was in question  
23 when, in fact, it was just a legal obligation to state  
24 that.

25 Q In fact, are you seeking reinstatement at

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1 settlements?

2 A Restate the question.

3 Q I'll just ask the direct question. Since  
4 2018, have you received -- I'm sorry -- 863,000 and  
5 change in settlement proceeds?

6 MR. LARGESS: I'm going to object.

7 Go ahead.

8 THE WITNESS: Well, I've not fully received  
9 the Henry Ford proceeds. Those are going to be paid  
10 out through the end of the year. So this payment is  
11 accurate. And the math you did on Henry Ford in total  
12 over a 13-month period of time is also accurate.

13 BY MR. HOLLAND:

14 Q Let me put it a different way then. Since  
15 2018, would you agree that you've received commitments  
16 from two companies for settlements in the total amount  
17 in excess of \$860,000?

18 MR. LARGESS: Objection to the form.

19 But you can answer.

20 THE WITNESS: Yes.

21 BY MR. HOLLAND:

22 Q Okay. Tell me a little bit about what your  
23 job efforts have been since the \$700,000 settlement  
24 with Henry Ford to find replacement employment?

25 A Sure. I believe that we provided

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1 documentation on that. So that would be all of the  
2 contact I've had with recruiters regarding  
3 opportunities that were presented to me. One of them,  
4 Cape Fear Health System. One was with Partners in  
5 Boston. The Brigham and Women's Mass General Health  
6 System. And the third one -- it's a late day, guys.  
7 Cape Fear.

8 Q Ohio State?

9 A Ohio State. Thank you. Yeah, yeah.

10 Q Okay. Fair to say that you -- did you --  
11 strike that.

12 Did you turn down a position with Cape Fear  
13 Medical System?

14 A I didn't turn it down. We never even got  
15 into active discussions.

16 Q Would we call that withdrawing from  
17 consideration?

18 A Yes.

19 Q Because the system was too small?

20 A The scope of the position as well. Yes.  
21 It's a billion dollar system with a team of ten people  
22 and two reports.

23 Q And what did that position pay if you can  
24 recall?

25 A We didn't even get into that.

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1 Q Okay.

2 A The recruiter herself said, you know,  
3 "Frankly, I also -- when I reached out to you, it was  
4 more for networking. I thought it was going to be too  
5 small for you as well," something to that effect.

6 Q What is the status of the Ohio State  
7 opportunity?

8 A I had a conversation with the recruiter two  
9 or three weeks ago. It was the introductory call, and  
10 we went through, you know, the typical 15, 20 minutes  
11 of pleasantries about the scope of the position. And I  
12 asked her if she was familiar that I was no longer at  
13 Henry Ford. And she said, "Yes. I wanted to talk  
14 about that."

15 And so in the spirit of full disclosure, I  
16 said, "Are you aware of, you know, any of the  
17 circumstances surrounding that?" And I at a very, very  
18 high level said, you know, "There are some things in  
19 the media about it that you should be aware of."

20 And she said, "Okay. Well, I appreciate  
21 that. I'll take it back to the leadership team. And  
22 if we're interested in, you know, continuing  
23 discussions, we'll reach back out to you."

24 Q Was that one of the initial calls with the  
25 recruiter?

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1           Are you aware -- take a look at it. Are you  
2 aware of any other e-mails that you may have regarding  
3 other jobs that you may have pursued or had brought to  
4 your attention since your termination at Henry Ford?

5           A      No.

6           Q      Are you currently looking for positions or  
7 are you still working with your network to see what  
8 opportunities are out there?

9           A      I'm actively looking. I mean, the way -- to  
10 be honest with you, the way it works -- or frankly, I  
11 should say. All this is honest -- is that at this  
12 level, we don't typically apply for jobs. Your  
13 availability becomes -- recruiters become aware of your  
14 availability or if you're not available and they see  
15 there may be a good fit, they reach out to you. And  
16 I've had very good luck with that sort of activity.

17          Q      Okay. So you mentioned "at this level." So  
18 you're at such a level that you can't even apply for  
19 jobs at this point?

20          A      It's typically not done.

21          Q      So you haven't actually applied. Recruiters  
22 have brought opportunities --

23          A      Yes.

24          Q      -- to you --

25          A      Yes.

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1 Q -- correct?

2 A Yes.

3 Q One thing we haven't talked about and I don't  
4 see anything on is this Partners or Mass General  
5 opportunity.

6 A It was in the first round.

7 Q Of discovery --

8 A Yes.

9 Q -- that was produced?

10 A Yes.

11 Q And what ultimately happened with the  
12 Partners position?

13 A They never called back.

14 Q Before moving to hopefully quickly through  
15 the tax returns, I'm going to ask some follow-up  
16 questions. Aside from what we discussed here today,  
17 any reason -- any other reasons that make you believe  
18 that your termination from Novant had anything to do  
19 with this termination?

20 A No.

21 Q Aside from what we've discussed here today  
22 any other reasons that you believe that your  
23 termination was in any way related to severance or a  
24 severance plan?

25 A Yes. Any other reasons?